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SUBJECT: Embassy Tirana Weekly Report

FM Using Procedural Tricks to Avoid Trial

¶1. (SBU) The legal defense team of Foreign Minister Basha (and former Minister of Transportation) appears determined this week to use any procedural trick possible to keep Basha from facing trial on crimes allegedly committed during the tendering process of the construction of the Durres-Kukes road project. Basha stands accused of abusing the powers of his office while preparing the tender for the Durres-Kukes road, the biggest infrastructure project ever undertaken by the GOA - with a current cost so far that exceeds 800 million USD. Minister Basha faces charges on one count of abuse of office that could carry a maximum penalty to up to five years, and another on the violation of "equality treatment in a tender process", which carries a maximum penalty of up to three years.

¶2. (SBU) According to the case prosecutor, Basha has violated the principle of equality in public tenders during the selection of the Ecorus Group, the Dutch consultant company that oversaw the tendering process. The second charges consist of an alleged violation of legal provisions during the negotiation of the contract with the Bechtel-Enka, which allegedly caused significant monetary damage to the state. Basha has rejected these allegations and has made increasing efforts to cast the Prosecutor's office and the charges against him as politically motivated.

¶3. (SBU) The criminal case on the Durres-Kukes road has been going on since March 2007, when one senior former official at the Transportation Ministry accused the Minister and several other officials of breaking the law while preparing the tender for the project. The investigation process dragged on as the case moved up to the General Prosecutor's office, which has jurisdiction over investigations of members of government. On November 6, 2008, the case prosecutor decided to extend the period of investigation for one more month, a prerogative of the prosecutor that can be challenged in Court. Upon request from one of the defense lawyers, a judge at the Tirana District Court ruled that the prosecutor's decision to extend the investigation period on the Durres-Kukes road case was illegal and ordered the prosecutor to conclude the investigation. It now appears that the real beneficiary of the court decision is Minister Basha, who is trying to make use of any such maneuvers to prevent prosecutors from pressing charges against him and sending the case to the Supreme Court. Using the recent Court decision as an argument, Basha's defense has now said that since the prosecutor has violated the timetables of the investigation, he can no longer bring any charges on the case.

¶4. (SBU) In the meantime, ruling Democratic Party officials have increased pressure on the Prosecutor General, accusing her of having political motives. Several other voices have also indirectly accused the President of the Republic (according to the constitution, the President appoints the PG, who then must be approved by Parliament) of encouraging these investigations as a means of punishing and eliminating his rivals within the DP.

¶5. (SBU) Given these defense efforts, the case prosecutor is now

trying to bypass any further delays in the lower courts by sending the case straight to the Supreme Court. [According to the Albanian Constitution, all cases related to members of Government or Parliament are heard by the Supreme Court.] While the outcome of these legal maneuvers is far from clear at this point, the protracted legal wrangling over the Basha case raises questions about the ability of the Albanian judicial system to effectively prosecute senior executive branch officials. The PG's determination to finally bring charges against a government member has also raised hopes that the prosecution in Albania has finally gained the confidence to stand up to the executive branch.

Free Hugs Campaign

¶6. (U) Mayor of Tirana Edi Rama undoubtedly rekindled his popularity on December 1 with celebration of the White Night Festival, the fifth in a row. Hundreds toured the Municipality and the Mayor's office with the best possible guide, flamboyant Mayor Edi Rama himself. A Tirana Rock concert was held in the once exclusive politburo neighborhood and now hip area, the "Bllok." Other teenagers had the opportunity to dance with professional ballerinas in the main city boulevard, while other more senior audiences could relax to the sounds of a string quartet in the same square where dozens of unemployed line up every day of the year in hopes of finding a job.

¶7. (U) And Rama's team did not forget the most vulnerable and hard to please target groups. The WWII veterans, who will make up a good percentage of the SP electorate during the upcoming 2009 parliamentary elections, were able to relive their glorious times singing partisan songs around bonfires built by the Municipality. And the youngest, those who have yet to discover the marvels of

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Tirana by night, had their first night out with the excuse to read some stories and poems under the big city lights and the national Skanderbeg hero monument. If you would have happened to cross Edi Rama's path that night, he would have approached you with outstretched arms. But not to worry, you would have only received a bear hug - not because Rama was feeling particularly loving, but because of the "Free Hugs" campaign. It seems that most of Albania's celebrations today are a strange mixture of past glories and untailored traditions borrowed from elsewhere in the world.

Quote of the Week

¶8. (U) "Both I and Berlusconi love eternity," excerpts from PM Berisha's remarks during the press conference with the Italian Premier Berlusconi. Berisha was referring to his pledge to plant 20 million new olive trees around the country.

WITHERS